

BARTHOLOMEW COUNTY ALTERNATIVE DISPUTE RESOLUTION PLAN

I. INTRODUCTION

The judges of the Bartholomew Circuit Court, Bartholomew Superior Court 1 and Bartholomew Superior Court 2 respectfully submit the following Alternative Dispute Resolution Plan (Plan) to the Judicial Conference of Indiana for approval. The plan is being submitted pursuant to section 33-23-6-5 of the Indiana Code.

All the Bartholomew County judges have approved and adopted this plan. Additionally, all the Bartholomew County judges have been involved in developing the plan. The Bartholomew County judges fully support the goals and implementation of the plan.

II. PLAN OVERVIEW

The goal of the plan is to provide parties in family law cases where disputes involving minor children are at issue the opportunity to resolve their differences outside of the traditional, and often adversarial, court process. The plan will encourage those parties to participate in mediation.

Mediation will benefit the parties in, at least, three ways. First, mediation will allow the parties to reach a settlement or solution that they, not the court, create. These solutions can be tailored to the specific circumstances and needs of the parties and their children. Second, mediation will give parties direct and meaningful access to the problem solving process. Third, mediation will allow the parties to resolve their differences more quickly, effectively and efficiently.

The plan will apply to all family law cases where issues involving minor children come before the court. The plan will place a particular emphasis on cases involving

custody and parenting time issues. Participation in the plan will be discretionary. The Bartholomew County judges will refer parties to the plan on a case by case basis. If appropriate, self-represented parties will be asked to participate in the plan. Those parties with limited income and resources will also be referred to the plan. The plan will primarily benefit those with the least ability to pay for the mediation services provided by the plan.

All parties, regardless of the financial situation, will be eligible to participate in the plan. Each party may be required to pay something for the mediation services they receive. The amount each party has to pay will be determined using a sliding scale. The funds generated from the plan will be used to help pay for the mediation services provided to parties who do not have the ability to pay the full amount for those services.

The plan will take effect on January 1, 2012. The Bartholomew County Clerk will begin accepting an additional \$20.00 filing fee in all family law and juvenile paternity cases starting January 1, 2012. The additional filing fee will be charged and collected pursuant to section 33-23-6-3 of the Indiana Code.

III. ELIGIBILITY CRITERIA

All parties in a family law case can participate in the plan if the court determines it is appropriate. The court will refer parties to the plan on a case by case basis. The plan will target those cases involving custody and parenting time issues.

The court may require that parties participating in the plan pay all, or a part of, the fees for the mediation services they receive under the plan. No one will be excluded from participating in the plan because they cannot afford it. The funds generated from

the additional domestic relations filing fee will be used to help pay for the mediation services for parties with limited, or no, income and resources.

Pursuant to our local rules, each party must submit a financial declaration form when they file a family law case. The court will use that form to help determine the amount of the co-pay the parties have to pay. The amount a party will have to pay for plan services will be determined using a sliding scale. The following scale will initially be used to determine how much a party may pay for mediation services provided under the plan:

<u>TOTAL INCOME</u>	<u>AMOUNT OF CO-PAY PER PARTY</u>
\$0 - \$20,000	\$10.00
\$20,001 - \$25,000	\$25.00
\$25,001 - \$30,000	\$50.00
\$30,001 - \$35,000	\$75.00
\$35,001 - \$50,000	\$100.00

This payment scale will be reviewed, and adjusted as necessary, on an annual basis.

Parties convicted of crimes listed in section 35-42 of the Indiana Code shall not be allowed to participate in the plan. In addition, those parties with charges pending under section 35-42 of the Indiana Code shall not be allowed to participate in the plan. Parties charged with, or convicted of, crimes similar to those listed in section 35-42 of the Indiana Code in another jurisdiction shall not be allowed to participate in the plan.

IV. REFERRAL AND ACCEPTANCE PROCESS

The court will refer parties to the plan on a case by case basis. All parties referred to the plan will be allowed to participate in the plan as long as they meet the eligibility criteria.

V. PLAN EDUCATION

The Bartholomew County judges will sponsor and host a Continuing Legal Education (CLE) program that will educate and inform the local bar about the plan. At the program, the judges will explain the purpose and goal of the plan, the funding for the plan, the eligibility criteria for the plan, how the plan will work, the sliding fee scale and anything else necessary to insure the local bar understands the plan. Handouts and other materials will be distributed as part of the program. All local lawyers, as well as lawyers from surrounding counties, will be invited to attend the program. There will be no charge to attend the program.

Additionally, the judges will issue a joint press release to all local media outlets describing the plan. The judges are prepared to discuss the plan in detail with the media. The judges intend to seek help of the Indiana Supreme Court's media relations team in reviewing the press release.

Finally, the plan will be posted on the Bartholomew County Website as well as on each court's website.

VI. PLAN COORDINATION

Bartholomew County has been awarded a \$20,000.00 family court grant. We intend to use those grants funds to start providing mediation services under the plan. The grant funds will be used to pay for mediation services under the plan until enough

income to fund the plan can be generated from the additional domestic relations filing fee.

In order to promote the effectiveness and success of the plan, the Bartholomew County judges will provide information about the plan to the District 11 Legal Aid (legal aid) program. It is likely that parties represented by legal aid will be referred to the plan. As a result, it is important that the legal aid is familiar with the goals and mechanics of the plan.

Bartholomew County has also been awarded a grant for the use of certified court interpreters. At the time this plan was developed, those grant funds have not been used and we have not been asked to return the grant money. Even so, it is essential to the success of the plan that non English speaking parties be able to participate in the plan. Accordingly, we will provide information about the plan to our local Latino Community Center (Su Casa). We will also educate our court interpreters about the plan. No funds generated by the additional filing fee will be used to pay for the interpreters. If parties participating in the plan need interpreters, each court will follow its' own policy about interpreters.

VII. PLAN ADMINISTRATION

Participation in the plan will be determined by the court on a case by case basis. When the court refers parties to the plan, it will issue an Order requiring the parties to participate in the plan. That Order will list the name and contact information for the lawyers who will be providing the mediation services contemplated by the plan. It will also indicate the amount of any co-pay the parties may have to pay. The Order will also include a deadline for completing the mediation process.

Several lawyers in Bartholomew County are certified family law mediators. The Bartholomew County judges will enter into contracts with some of those lawyers to provide mediation services under the plan. All mediation sessions conducted under the plan must follow the Indiana Rules for Alternative Dispute Resolution.

The number of contracts, and the payment terms for each contract, will be determined by the Bartholomew County judges. The maximum hourly rate for mediation services provided under the plan will be \$100.00. The mediators will be paid between \$75.00 and \$100.00 an hour depending on their experience. The Bartholomew County judges will collectively develop a list of mediators. That list will be updated as needed.

The Bartholomew County judges anticipate that most mediation sessions under the plan should be completed within three (3) hours. Accordingly, the Bartholomew County judges agree that the mediators should be compensated for three (3) hours' worth of work. The court may allow the mediation to go beyond three (3) hours at the request of the mediator. In those cases, the mediator would be compensated for the additional work.

Once mediation is finished, the mediator shall provide a report to the court indicating the results of the mediation. The mediator will submit a request for payment along with that report. The office manager for each court will then process the claim for payment following the process adopted by Bartholomew County. The mediator will verify that the parties paid the required co-pay before the mediation session begins. If the co-pay was not paid, the court will determine the best method to collect the co-payment.

The additional \$20.00 filing fee will be collected by the Bartholomew County Clerk. The Bartholomew County Clerk will also collect any co-pay the parties are required to make.

The fees collected by the Bartholomew County Clerk will be placed into an ADR fund. The ADR fund will be administered by the Bartholomew County Auditor.

VIII. PLAN EVALUATION

The court will collect and maintain data to measure the success and outcomes of the plan. That data will be reviewed on a regular basis to determine the effectiveness of the plan. The data will also be used to maintain the plan's integrity and fidelity. The Bartholomew County judges will submit an annual report about the plan to the Judicial Conference by December 31 of each year.

IX. PROJECTED BUDGET

Bartholomew County expects to generate approximately \$14,300.00 annually for the ADR fund. This is based on the number of DR and JP cases filed in 2010. In 2010, there were a total of 596 new DR cases filed in Bartholomew County. There were also 119 new JP cases filed in 2010. As of November 1, 2011, 493 new DR cases and 144 new JP cases had been filed in Bartholomew County.

Respectfully submitted for approval this _____ day of November, 2011.

Stephen R. Heimann
Judge, Bartholomew Circuit Court

Chris D. Monroe
Judge, Bartholomew Superior Court 1

Kathleen Tighe Coriden
Judge, Bartholomew Superior Court 2

Joseph W. Meek
Magistrate, Bartholomew Superior Court 2